

Message Text

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43

ACTION AF-06

INFO OCT-01 EUR-12 NEA-10 ISO-00 CIAE-00 DODE-00 PM-04

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02

SS-15 USIA-15 OMB-01 AID-05 DHA-02 IO-10 /103 W

----- 020397

R 181221Z SEP 75

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC 417

INFO AMEMBASSY ADDIS ABABA

AMEMBASSY CAIRO

AMEMBASSY JIDDA

AMEMBASSY TRIPOLI

AMEMBASSY LONDON

UNCLAS KHARTOUM 2207

E.O. 11652: N/A

TAGS: PINT, PINS, PFOR, SU

SUBJECT: CONSTITUTIONAL AMENDMENTS

REF: KHARTOUM 2198

1. AMENDMENTS TO THE PERMANENT CONSTITUTION OF THE SUDAN WERE SIGNED BY PRESIDENT NIMEIRI AND DEPOSITED WITH THE SUPREME COURT ON SEPT 17. AMENDMENTS ARE EFFECTIVE RETROACTIVELY AS FROM MAY 8, 1973, THE DATE OF THE CONSTITUTION. FULL TEXTS OF AMENDMENTS FOLLOW BY AIRGRAM.

2. ARTICLE 41, DEALING WITH FREEDOM OF MOVEMENT AND RESIDENCE, IS REPEALED AND REPLACED BY LANGUAGE PERMITTING THE LEGISLATIVE AUTHORITY TO PASS LAWS ALLOWING PREVENTIVE DETENTION, HOUSE ARREST OR OTHER RESTRICTIONS ON VERY GENERAL GROUNDS (E.G., PUBLIC ORDER, MORALITY) AND WITH NEITHER TIME LIMITS NOR FORMAL CHARGES.

3. ARTICLE 66, WHICH GUARANTEES AN ARRESTED OR INTERNED PERSON THE RIGHT TO BE INFORMED OF THE REASON FOR THE
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ACTION AND THE RIGHT TO A SPEEDY TRIAL, IS MADE

INAPPLICABLE IN CASES GOVERNED BY NEW ARTICLE 41.

4. ARTICLE 81 AND 82, WHICH GIVE THE PRESIDENT RESPONSIBILITY FOR PROTECTING THE CONSTITUTION, THE COUNTRY AND THE MAY REVOLUTION, IS AMENDED TO AUTHORIZE HIM TO TAKE ANY ACTION AND MAKE ANY DECISIONS IN PURSUANCE OF THIS RESPONSIBILITY.

5. ARTICLE 196, WHICH SIMPLY REFERS TO THE REGULATION OF COURTS MARTIAL, IS REPLACED BY A PROVISION FOR THE REGULATION OF COURTS MARTIAL AND "STATE SECURITY COURTS", WHICH SHALL HAVE JURISDICTION IN CASES OF HIGH TREASON.

6. COMMENT: STATE SECURITY COURTS HAVE NOT HERETOFORE EXISTED IN SUDAN.

BREWER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, CONSTITUTIONAL AMENDMENTS, FORM OF GOVERNMENT, CENTRAL GOVERNMENT
Control Number: n/a
Copy: SINGLE
Draft Date: 18 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975KHARTO02207
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750323-1247
From: KHARTOUM
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750940/aaaabjil.tel
Line Count: 77
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AF
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 KHARTOUM 2198
Review Action: RELEASED, APPROVED
Review Authority: RowellEO
Review Comment: n/a
Review Content Flags:
Review Date: 16 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 JUN 2003 by MaustMC>; APPROVED <05 FEB 2004 by RowellEO>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CONSTITUTIONAL AMENDMENTS
TAGS: PINT, PINS, PFOR, SHUM, PGOV, SU, (NIMEIRI, JAFAR)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006